

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS, d.b.a. ACERTHORN

PLAINTIFF

VS.

Case 3:21-cv-04184-JSC

KARL POLANO, d.b.a. SOFIANNP, ALPHABET INC.,
DISCORD INC., FACEBOOK INC.,
JOHN DOE #1, d.b.a. INITIATIVEKOOKIE, and
JOHN DOE #2, d.b.a. TGP482,

DEFENDANTS

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion for Leave to File a Second Amended Complaint.

1. On August 28, 2021, I received noticed that Karl Polano had posted a stream to his Twitch channel (found at www.twitch.tv/sofiannp) that, among other things, contained a clip of the accidental livestream mentioned in ¶¶ 22-25 of the First Amended Complaint. I promptly issued a DMCA Takedown Request with Twitch (see **Exhibit A**), and it was promptly removed (see **Exhibit B**).
2. On the evening of April 31, 2021, I received noticed from Twitch that Karl Polano had issued a DMCA Counter-Notification against this takedown. See **Exhibit C**. I now have ten business days to file a lawsuit over this infringement, otherwise the content will be automatically reinstated.
3. Instead of filing a brand new lawsuit, I instead ask for leave to file another Amended Complaint to the current lawsuit. While this might be a new instance of copyright infringement, the over-arching issue is already being litigated in this case. Requiring me to go to another District and file suit there would merely result in piecemeal litigation and possibly conflicting judgments.
4. To prevent this from derailing the case in the future, I also plan to file a Motion for Preliminary Injunction ordering the individual defendants to refrain from posting any instances of prima facie infringement of my copyright until this matter can be properly adjudicated.
5. If this Court grants this motion, it has the potential to render Doc. 34 (Motion to Update Defendant John Doe #1's Identity and Address) moot. I will simply include the updated information in the new Amended Complaint.
6. I will also provide a German translation of the Second Amended Complaint so that Karl Polano can be served with process pursuant to the Hague Convention. See **Doc 35**.

7. Wherefore, premises considered, I respectfully request leave from the Court to file a Second Amended Complaint in the above-styled action.

So requested on this, the 1st day of September, 2021.

/s/ David Stebbins
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